

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STANLEY LEVINE, et al.,

No. C 12-03959 WHA

Plaintiffs,

v.

THE ENTRUST GROUP, INC., et al.,

**ORDER FOR ADDITIONAL
BRIEFING ON SUBJECT
MATTER JURISDICTION**

Defendants.

Plaintiffs' amended complaint bases federal jurisdiction on the Class Action Fairness Act and 28 U.S.C. 1332(d), which codified part of the Act. The Class Action Fairness Act excepts from federal jurisdiction class actions that are so-called "local controversies." Under the local controversy exception, a district court shall decline to exercise jurisdiction:

- (i) over a class action in which—
 - (I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;
 - (II) at least 1 defendant is a defendant—
 - (aa) from whom significant relief is sought by members of the plaintiff class;
 - (bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and
 - (cc) who is a citizen of the State in which the action was originally filed; and

(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

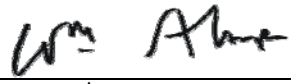
(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons

28 U.S.C. 1332(d)(4)(A). In light of the new allegations in plaintiffs' complaint, parties shall submit briefs on whether the local controversy exception applies to the instant action, and if so, whether any other basis for federal jurisdiction applies.

The parties shall submit briefs not to exceed ten pages by **NOON ON FRIDAY, FEBRUARY 15, 2013**. Simultaneous replies not to exceed three pages will be due by **NOON ON THURSDAY, FEBRUARY 21**. The hearing will go forward as scheduled at **8:00 A.M. ON THURSDAY, FEBRUARY 28**.

IT IS SO ORDERED.

Dated: February 7, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE